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PicketFence, Inc. doing
business as SandBox Studio

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PICKETFENCE, INC., a California corporation
doing business as SANDBOX STUDIO,

Plaintiff,

v.

R. R. DONNELLEY & SONS COMPANY, a
Delaware corporation; and DOES 1 through 30,
inclusive,

Defendants

AND RELATED COUNTERCLAIM

Case No. C 07-1551 JL

**STIPULATION AND ~~PROPOSED~~
ORDER TO AMEND CASE
MANAGEMENT AND PRETRIAL
ORDER**

Plaintiff/Counter-Defendant Picketfence, Inc. and Defendant/Counter-Plaintiff R.R. Donnelley & Sons Company ("Donnelley"), by their undersigned counsel, submit this Stipulation and Proposed Order to Amend Case Management and Pretrial Order. On December 10, 2008, the parties attended a mediation with JAMS Mediator and former Federal Judge Edward Infante. While the parties did not settle the case at that time, Judge Infante recommended that the parties suspend their discovery efforts four to six weeks thereby reducing their respective attorneys' fees and costs so that Judge Infante could further explore the possibility of a settlement and a possible second mediation session. Consequently, the parties have temporarily suspended their efforts to schedule depositions and conduct further discovery, which in turn, necessitates an extension of various deadlines in the case. The stipulation seeks to continue the scheduled trial date and move various deadlines for discovery, dispositive motions and court hearing dates scheduled by this Court pursuant to its Case Management and Pretrial Order dated September 29, 2008 (Docket #101), as amended by the Court pursuant to the parties' Stipulation Regarding Expert Witness Deadlines dated November 29, 2008 (Docket #107) as follows:

1. The discovery deadline of February 11, 2009 is continued to **May 12, 2009**.
2. The dispositive motion deadline of March 18, 2009 is continued to **June 3, 2009**.
3. The hearing date for dispositive motions is continued from April 22, 2009 to **July 8, 2009**.
4. The case management conference scheduled for April 26, 2009 is continued to **July 8, 2009 at 10:30 a.m.**
5. The final pretrial conference is continued from May 20, 2009 to **August 5, 2009 at 11:00 a.m.** in Courtroom F, 15th Floor.
6. The trial date of June 15, 2009 is continued to **August 31, 2009**.
7. All other provisions and deadlines contained in the Court's Case Management Order shall remain intact.

1 Dated: January 20, 2009

NIESAR & WHYTE LLP

2 By: /s/ Robert O. Whyte

3 Robert O. Whyte

NIESAR & WHYTE LLP

4 Attorneys for Plaintiff/Counter-Defendant

5 PicketFence, Inc. d/b/a SandBox Studio

6
7 Dated: January 20, 2009

**SHAW GUSSIS FISHMAN GLANTZ WOLFSON &
TOWBIN LLC**

9 By: /s/ Jeffrey L. Widman

10 Jeffrey L. Widman (*Admitted Pro Hac Vice*)

SHAW GUSSIS FISHMAN GLANTZ

11 **WOLFSON & TOWBIN LLC**

12 Attorneys for Defendant/Counter-Claimant

R.R. Donnelley & Sons Company

13 Dated: January 20, 2009

FUTTERMAN & DUPREE LLP

14 By: /s/ Jamie L. Dupree

15 Jamie L. Dupree

FUTTERMAN & DUPREE LLP


16 Attorneys for Defendant/Counter-Claimant

17 R.R. Donnelley & Sons Company

18
19 **ORDER**

20 IT IS SO ORDERED:

21
22 Dated: February 10, 2009


The Honorable James Larson